

## **Most Publicly Available Provisional Applications Can Now be Viewed Over the Internet**

As a result of a recent enhancement to Public PAIR (Patent Application Information Retrieval), most provisional applications that are relied upon for their earlier filing dates in U.S. patent application publications or U.S. patents are now available to the public over the Internet. Exceptions mainly include provisional applications with filing dates prior to 1997. Any applicant wishing to view and/or print a copy of a provisional application relied upon by an examiner to give prior art effect under 35 U.S.C. § 102(e) to a reference applied in a rejection, may do so using the Public PAIR website at <http://portal.uspto.gov/external/portal/pair>. If, for some reason, the desired provisional application cannot be viewed or printed from the Public PAIR website, the Public PAIR website can still be used to order a copy of the provisional application. Whether the order for the provisional application copy is placed with the Office of Public Records directly from the Public PAIR website, or by mail (using Mail Stop Document Services), the order requires the fee under 37 CFR 1.19(b)(1).

Due to the recent enhancement to Public PAIR, the Office has ended the transitional practice of supplying with Office actions a copy of any provisional application relied upon to give prior art effect under 35 U.S.C. § 102(e) to a reference applied in a rejection. The purpose of the transitional practice, which began in December of 2003, was to make it easier for applicants to see the contents of such provisional applications. Now that such provisional applications can be viewed and/or printed using the Public PAIR website, the transitional practice is no longer needed.

Questions concerning the operation of the PAIR system should be directed to the Patent Electronic Business Center at (866) 217-9197.

October 29, 2004

Date

/s/

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Deputy Commissioner for  
Patent Examination Policy